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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,057	04/08/2004	Katsuhito Nishimura	LB-723-1495	7340
27562 7590 10/26/2009 NIXON & VANDERHYE, P.C. 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
CRAWFORD, JACINTA M				
ART UNIT		PAPER NUMBER		
2628				
MAIL DATE		DELIVERY MODE		
10/26/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/820,057

Applicant(s)

NISHIMURA, KATSUHIOTO

Examiner

JACINTA CRAWFORD

Art Unit

2628

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 15 October 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Kee M Tung/
Supervisory Patent Examiner, Art Unit 2628

Continuation of 11, does NOT place the application in condition for allowance because: Applicants argue on pages 2-4 of the after-final amendment filed that the prior art, Numaoka/Kaji/Minoru, "fails to teach or suggest determining a barycenter of the objects based on the weighted value and the positions of the objects" as recited in claim 1. As stated in the previous Office Action, Numaoka discloses in Figure 1 a barycenter calculator, 5, which calculates the barycenter of a change between two consecutive frames, which is output from the frame differential detector, 4. Numaoka also discloses that the calculation from the barycenter calculator is saved to the barycenter coordinates memory. This denotes that the data provided by the barycenter calculator includes positions because coordinates are used for showing a position or location of an object in space. Applicants argue that coordinates or positions of Numaoka are related to the barycenter itself and the barycenter calculator provides data related to the barycenter based on the change of the image between two successive frames. However, the two consecutive frames are of image data which includes object data. A change in the image is taken into account and a barycenter is determined based on the change. Numaoka discloses examples where the image is based on the camera's position and orientation [0004] which links with the objects' position. Therefore, the barycenter is also linked with the change in the image data which includes positions. As a result, a 3-D image, including object data in 3-D space, is displayed. As stated in the previous Office Action, Numaoka alone does not teach all of the limitations of claim 1. Kuji expressly disclosing weights of objects, although by definition, barycenter refers to the center of mass of objects. Kuji discloses objects within a game being played by a player or user, where some objects are given a higher "attention degree" than others. This is so the three-dimensional images are more natural and match a user's perception. Kuji discloses how some objects can be given a higher "weight value" than others in rules (1) thru (8) of column 4, lines 13-31. Kuji discloses a calculation process where higher "weight values" may be given based on an object's position, e.g. center of a display, depth on display. Therefore, the teachings of Numaoka/Kaji/Minoru is still believed to teach the limitations of the claims.